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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
John Muraca  
Application No. 09/853,703  
Filed: May 14, 2001  
Attorney Docket No.: 1503.1002

This is a decision on the petition filed April 19, 2007 to withdraw the holding of abandonment for the above-identified application. The petition is treated, under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on August 17, 2006, for failure to timely submit a timely response to the Final Office Action mailed May 16, 2006, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed April 12, 2007.

Petitioner asserts that a response was filed November 15, 2006 and in support, petitioner has submitted, *inter alia*, a copy of the response in the form of a Notice of Appeal and a post card receipt date stamped November 15, 2006 by the USPTO.

A search of the application file and the USPTO records don't reveal that the Notice of Appeal was filed but the evidence submitted corroborates a timely response to the Final Office Action.

Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

Petitioner is advised that the period for filing the Appeal Brief continues to run from the filing date of the Notice of Appeal.

This matter will be referred to Technology Center 3626 to await the filing of the Appeal Brief.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
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